

REMARKS

Claims 48-76 have been added and therefore are pending in the present application and at issue. Claims 48-53, 55, 65-67, and 71 have been amended to clarify the claimed invention.

It is respectfully submitted that the present amendment presents no new issues or new matter and places this case in condition for allowance. Reconsideration of the application in view of the above amendments and the following remarks is requested.

I. The Restriction and Election of Species Requirements

The Office maintained the restriction and election of species requirements. Both requirements are traversed for the reasons of record.

The Office states that “[t]he phrase ‘an amino acid sequence’ reads broadly on any dipeptide of the sequence having 50% identity to the sequence 34-174 of SEQ ID NO: 2.” As stated in the prior response, this is not a reasonable interpretation of the claims, and contrary to how this phrase would be interpreted by persons skilled in the art.

However, in order to advance prosecution, the claims recite that the claimed polypeptides have at least 90% identity with the sequence of amino acids 34-174 of SEQ ID NO: 2.

For the foregoing reasons, Applicants submit that the restriction and election of species requirements are improper, and respectfully request reconsideration and withdrawal thereof.

II. The Rejection of Claim 48-59 and 63-73 under 35 U.S.C. 112

Claims 48-59 and 63-73 are rejected under 35 U.S.C. 112 as being indefinite. The Office provided two grounds for the rejection:

First, the Office objected to the recitation “the polypeptide” in claim 48 because “there is insufficient antecedent basis” for the recitation “the polypeptide.” Claim 48 has been amended to provide antecedent basis for this recitation. Applicants therefore submit that this ground for the rejection has been overcome.

Second, the Office rejected claims 48, 52, 53, 68, and 69 because the recitations “under high stringency conditions” and “under very high stringency conditions” are relative terms. This is respectfully traversed.

High stringency and very high stringency conditions are defined at page 6, lines 9-23 of the specification. Thus, these terms are not relative.

For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. 112. Applicants respectfully request reconsideration and withdrawal of the rejection.

III. The Rejection of Claims 48-59 and 63-73 under 35 U.S.C. 112

Claims 48-59 and 63-73 are rejected under 35 U.S.C. 112 as failing to comply with the written description requirement. This rejection is respectfully traversed for the reasons of record.

This rejection is based on an incorrect construction of the claims. However, in order to advance prosecution, the claims recite that the claimed polypeptides have at least 90% identity with the sequence of amino acids 34-174 of SEQ ID NO: 2.

For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. 112. Applicants respectfully request reconsideration and withdrawal of the rejection.

IV. The Rejection of Claims 48-59 and 63-72 under 35 U.S.C. 102

Claims 48-58 and 63-72 are rejected under 35 U.S.C. 102(b) as anticipated by Bourne and Henrissat (Current Opinion in Structural Biology, 2001, 11: 593-600). Claims 48-59 and 63-72 are rejected under 35 U.S.C. 102(b) as anticipated by Levy et al. (Biotechnology Advances, 2002 20: 191-213). Both rejections are respectfully traversed.

Both rejections are based on an incorrect construction of the claims. However, in order to advance prosecution, the claims recite that the claimed polypeptides have at least 90% identity with the sequence of amino acids 34-174 of SEQ ID NO: 2.

As explained in the prior response, neither Bourne et al. nor Levy et al. disclose a carbohydrate-binding module which (a) has at least 90% identity with the sequence of amino acids 34-174 of SEQ ID NO: 2; (b) is encoded by a DNA sequence that hybridizes to the DNA sequence of nucleotides 109-531 of SEQ ID NO: 1 under high stringency conditions; or (c) is a fragment of the sequence of amino acids 34-174 of SEQ ID NO: 2, as claimed herein.

For the foregoing reasons, Applicants submit that the claims overcome these rejections under 35 U.S.C. 102. Applicants respectfully request reconsideration and withdrawal of the rejections.

V. Conclusion

In view of the above, it is respectfully submitted that all claims are in condition for allowance. Early action to that end is respectfully requested. The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this amendment or application.

Please charge all required fees to Novozymes North America, Inc.'s Deposit Account No. 50-1701 at the time of electronic filing. The USPTO is authorized to charge this Deposit Account should any additional fees be due.

Respectfully submitted,

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/Elias Lambiris, Reg. # 33728/
Elias J. Lambiris, Reg. No. 33,728
Novozymes North America, Inc.
500 Fifth Avenue, Suite 1600
New York, NY 10110
(212) 840-0097